Recta. II.-27—100,000—21-8-48.

DeN (1948) Department.

Ms SERIES.

Letts
~~G.O.~~ No. 3931

Dated 26-1-48

[Despatch Abstract.]

[illegible] - Industrial Disputes Act, 1947 - Establishment of a Central Appellate Tribunal -

GOVERNMENT OF INDIA.
Ministry of Labour.

No. LR.60(17). Dated, New Delhi, the 7th July 1948

From

Rai Bhadur H. Khanna,
Deputy Secretary to the Government of India.

To

The Secretary to the Government of Madras,
Development Department, Madras.

Sub:- Industrial Disputes Act, 1947 - Proposed establishment of a Central Appellate Tribunal.

Sir,

The Government of India have received representations suggesting amendment of the Industrial Disputes Act, 1947 so as to provide for a right of appeal to the High Court against the awards of Industrial Tribunals constituted under that Act. While realising that a right of appeal is necessary both to provide satisfaction in individual cases and to ensure a measure of uniformity in the awards made by different Tribunals, the Government of India are of the opinion that Provincial High Courts are not the proper forum for the hearing of appeals from the decisions of Industrial Tribunals. It is true that wrong or perverse decisions will be set right by the normal law courts but what is badly wanted is greater uniformity in the terms of the awards of Tribunals. This can be secured only by having a Central Industrial Appellate Tribunal which being a specialist Court, will have a better appreciation of industrial problems than a regular High Court. It is proposed that for obvious reasons there should be only one such Appellate Tribunal in the country. To start with, this Tribunal will have only one Judge, who will be either a sitting or a recently retired High Court Judge, but eventually there will be need for more Judges and perhaps even Benches. The Government of India are of the opinion that the Central Industrial Appellate Tribunal should have jurisdiction to hear appeals from the decisions of all Industrial Tribunals set up by the Central and Provincial Governments under the Industrial Disputes Act, 1947. It is believed that in the early stages there will be plenty of work for at least one Judge.

2. I am directed to enquire whether the Provincial Government agree with the proposal mentioned above. If the response from Provinces is satisfactory, it is the intention of the Government of India to take immediate steps to amend the Industrial Disputes Act, 1947, and to introduce a Bill in the Legislature during the August session. I am to request that, in view of the urgency, a reply to this letter may kindly be sent as early as possible and in any case not later than the 18th July 1948.

Yours faithfully,

(Sd) H. Khanna),
Deputy Secretary to the Government of India.

GOVERNMENT OF MADRAS.
Development Department.

Letter/Miscellaneous No. 3931.

From

Sri. W.R.S. Sattianathan, I.C.S.,
Secretary to Government.

To

The Secretary to the Government of India,
Ministry of Labour,
New Delhi.

Dated, Fort St. George, the 26th July 1948.

Sir,

Sub:- Labour - Industrial Disputes Act, 1947 -
Establishment of a Central Appellate Tribunal.

With reference to Rai Bhadur Khanna's lette No. LR.60(17) dated 7.7.1948, I am directed to state that the Government of Madras agree that an Appellate Tribunal to hear appeals against the awards of the Industrial Tribunals is desirable. They do not however agree that a Central Industrial Appellate Tribunal for the whole of India is the best machinery for the purpose. Such a body wi not have the requisite local knowledge and its decisions ar likely to be delayed entailing considerable hardship to labour. The Government of Madras therefore consider that the Provincial High Courts which are best acquainted with local conditions should be made the appellate authority.

Yours faithfully,

(Sd) W.R.S. Sattianathan,
Secretary to Government.

Copy to the Commissioner of Labour with reference to his letter No. C4/5953/48 dated 16.7.1948.

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/True copy/

Superintendent,
Madras Record Office.

k.y.s. 27.7.

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